SUPPORT FOR THE AMENDMENTS

Claims 1 and 24 have been amended. Support for the amendment to claims 1 and 24 is found at specification page 16, lines 2-22, page 41, line 31, page 42, lines 28-30, page 50, line 27 (Example 5), page 52, line 7 (Example 6), page 72, lines 9-10 (Example 21), page 79, lines 28-29 (Example 24), page 81, line 35 (Example 26), page 87, lines 9-10 (Example 30), and page 88, lines 28-29 (Example 31), as well as original claims 2 and 26. It is believed that these amendments have not resulted in the introduction of new matter.

REMARKS

Claims 1, 3, 5, 11, 12, 15-24 and 27-34 are currently pending. Claims 1 and 24 have been amended by the present amendment.

Applicants wish to extend their appreciation to Examiner Kashnikow for withdrawing the: (1) rejection of claims 1-5, 7, 8, 11, 12, 15-17 and 21-30 under 35 U.S.C. § 102(b) as being anticipated over Hori (JP 2003-292713); (2) rejection of claims 6, 9, 10, 13, 14, 18, 19 and 20 under 35 U.S.C. § 103(a) as being obvious over Hori in view of Yamamoto (JP 2002-326303); and (3) objection to the abstract.

The rejection of claims 1, 3, 5, 11, 12, 15-24 and 27-34 under 35 U.S.C. § 112, first paragraph (written description), is respectfully traversed in part, and obviated by amendment in part, which incorporates into claims 1 and 24 a neutralization degree of 55-98 mol%.

The originally filed specification is alleged as failing to provide adequate written description for the recitation that "at least 55 mol%" of a –COO– group contained in the at least one functional group has been neutralized with a metal ion having a valence of two or more, as claimed in previously presented claims 1 and 24.

Merely for sake of expedient prosecution, Applicants have amended claims 1 and 24 to recite a neutralization degree of "55-98 mol%." Applicants wish to preserve their right to present cancelled subject matter in a continuation application without prejudice.

Pursuant to *In re Wertheim*, 541 F.2d 257, 265 (1976), the exact terms recited in the claimed invention need not be used *in ipsis verbis* or *in haec verba* in order to satisfy the written description requirement of 35 U.S.C. § 112, first paragraph. See also MPEP §§ 1302.01 and 2163.05(III). What is required is that the claimed invention must have been described with sufficient particularity such that a skilled artisan would recognize that the Applicants had possession of the claimed invention when the application was filed. See 35 U.S.C. § 112, first paragraph, and MPEP § 706.03(c).

The originally filed specification clearly states that at least 10 mol%, at least 15 mol%, at least 20 mol%, at least 30 mol%, at least 40 mol%, at least 50 mol%, and at least 60 mol%, of the –COO– groups have been neutralized (See e.g., page 16, lines 2-13).

As exemplified in the present specification, 55 mol% (Examples 5 and 26), 95 mol% (Examples 6 and 24), 96 mol% (Example 21), 97 mol% (Example 31), and 98 mol% (Example 30), of the –COO– groups have been neutralized (See e.g., page 50, line 27, page 52, line 7, page 72, lines 9-10, page 79, lines 28-29, page 81, line 35, page 87, lines 9-10, and page 88, lines 28-29).

Original claims 2 and 26 recite that at least 10 mol% of the –COO– groups have been neutralized, which is open-ended language clearly encompassing the recitations of "at least 55 mol%," as previously presented, and "55-98 mol%," as presently claimed.

It should be mentioned that although the present specification states that "the upper limit [of the degree of neutralization] *can be* 95 mol% or lower, *for example*," the specification also states that "[t]here is *no particular upper limit* on the ratio of the–COO– groups that have been neutralized" (emphasis added) (See e.g., page 16, lines 13-16). Since the present specification explicitly states that there is *no particular upper limit* of the –COO– groups that have been neutralized, the statement that "the upper limit [of the degree of neutralization] *can be* 95 mol% or lower, *for example*," is clearly drawn to a *non-limiting* embodiment of the present invention.

Applicants submit that a skilled artisan would immediately recognize that adequate support for the recitations of "at least 55 mol%," as previously presented, and "55-98 mol%," as presently claimed, has clearly been provided by the express, implicit and inherent disclosure set forth in the originally filed specification, as evidenced hereinabove. Since the specification describes the claimed invention in sufficient detail such that a skilled artisan would reasonably conclude that the inventors had possession of the claimed invention at the time of filing, the recitations of "at least 55 mol%," as previously presented, and "55-98 mol%," as presently claimed, has not resulted in the introduction of new matter.

Since a skilled artisan would immediately recognize that Applicants clearly have sufficient written description for the recitations of "at least 55 mol%," as previously presented, and "55-98 mol%," as presently claimed, withdrawal of this ground of rejection is respectfully requested.

Applicants respectfully request that the provisional obviousness-type double patenting rejections of: (1) claims 1, 4-7, 16, 17, 22 and 23 over claims 1, 3-8, 10-17 and 19 of copending patent application number 11/909,562 (Oshita); and (2) claims 1-4, 6-16 and 22-29 over claims 1-16 of copending patent application number 11/916,371 (Uehara U.S. 2009/0030126), be withdrawn without a terminal disclaimer.

Applicants respectfully note that the effective U.S. filing dates of copending applications Oshita and Uehara are March 24, 2006 and May 29, 2006, respectively, which are after the effective U.S. filing date of December 1, 2004 for the present application.

Following the withdrawal of the previously discussed rejection under 35 U.S.C. § 112, first paragraph (written description), since the provisional obviousness-type double patenting rejections are the only rejections remaining in this, the earlier filed application, the Examiner should withdraw the provisional obviousness-type double patenting rejections and permit the earlier filed application to issue as a patent without a terminal disclaimer pursuant to MPEP § 804(I)(B)(1).

In conclusion, Applicants submit that the present application is now in condition for allowance and notification to this effect is earnestly solicited.

Respectfully submitted,

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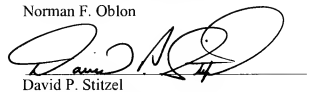

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